

Notice of Allowability

Application No.

10/036,219

Examiner

Ghassem Alie

Applicant(s)

BELEC ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/07/05 and an interview conducted on 05/22/06.
2. ☒ The allowed claim(s) is/are 8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>05/22/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a communication with Steven J. Shapiro (Reg. No. 35,677) on 05/22/06. The application has been amended as follows:

In the claims:

In claim 8, line 7,

"along a corresponding side of each of the plurality of notches;" has been changed to --along a corresponding side of each of the plurality of notches, each said vertical cutting edge extends cantilever from the second cutting edge and has a horizontal edge spaced from the top surface of the second cutter wheel;--.

Claims 3-7 and 9 have been cancelled.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: claim 8, which is the only pending claim in the instant application, is allowable because prior art fails to teach that each vertical cutting edge extends cantilever from the second cutting edge and has a horizontal edge spaced from the top surface of the second cutter wheel as set forth in the claim.

Regarding the claim Yamauchi (6,119,568) teaches a device that is capable of cutting mailpieces including a first cutter wheel having a first cutting edge. Yamauchi also

teaches a second cutter wheel includes a second cutting edge that has a plurality of notches and vertical cutting edges. Yamauchi also teaches that the vertical cutting edges are substantially perpendicular to the second cutting edge and extend downward from the second cutting edge. Yamauchi also teaches that each of the plurality of notches has a pair of vertical cutting edges each of which is disposed along a corresponding side of each of the plurality of notches. Yamauchi also teaches means for driving the first and second cutter wheels and the backing member. Yamauchi also teaches that the first and second cutter wheels are positioned to define a first cutting nip between the first and second cutting edges and the vertical edges. Yamauchi also teaches that the backing member define a second nip. Yamauchi also teaches that the interaction of the first and second cutting edges makes the first cut in the mailpiece except when the plurality of notches are present at the cutting nip.

However, Yamauchi fails to teach that each vertical cutting edge extends cantilever from the second cutting edge and has a horizontal edge spaced from the top surface of the second cutter wheel as set forth in the claim.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Comment

3. The objection to the drawings under 37 CFR 1.83(a) and objection to the specification under 35 CFR 1.83(a), and the rejection of claim 1 under 35 U.S.C. 112, first and second paragraphs, are withdrawn, since claim 1 has been canceled in the Amendment After Final filed on 10/26/04. In addition, in view of the amendment to claim 8 in the Amended After Final filed on 10/26/2, the rejection of claim 8 under 35 U.S.C. 112, second paragraph, is withdrawn.


4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

May 23, 2006


KENNETH E. PETERSON
PRIMARY EXAMINER